

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

QUINCY DEMONE HODGE,)
)
)
Plaintiff,)
)
)
v.) CV621-019
)
)
WARDEN FLOYD BOBBIT, *et al.*,)
)
)
Defendants.)

REPORT AND RECOMMENDATION

The Court previously granted *pro se* plaintiff Quincy Demone Hodge's request to file an Amended Complaint. Doc. 12 at 1-2. He was directed to file his Amended Complaint no later than February 25, 2022. *Id.* at 2. He now requests, without any explanation, that "the Court dismiss [this] civil action." Doc. 13 at 1. The Federal Rules permit a plaintiff to voluntarily dismiss an action, without a court order, "before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Rules are clear that "[u]nless the notice . . . states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B). Since no defendant has filed an answer in this case, to the extent that an Order is required to effectuate

plaintiff's voluntary dismissal, his motion should be **GRANTED**. Doc.

13. This case should, therefore, be **DISMISSED**.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*,

648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 14th day of February, 2022.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA